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Report of the International Court of Justice

Note verbale dated 23 October 2002 from the Permanent Mission of Costa Rica to the United Nations addressed to the Secretary-General

The Permanent Mission of Costa Rica presents its compliments to the Secretary-General of the United Nations, in his capacity as depositary of the declarations provided for in Article 36, paragraph 2, of the Statute of the International Court of Justice, and has the honour to attach the bilateral agreement signed by Mr. Roberto Tovar Faja, Minister for Foreign Affairs and Worship of Costa Rica, and Mr. Norman Caldera Cardenal, Minister for Foreign Affairs of Nicaragua, on 26 September 2002.

Since article 3 of the above-mentioned agreement refers to the declaration of Nicaragua under article 36, paragraph 2, of the Statute of the International Court of Justice, and to the rights of Costa Rica with respect to that declaration, the Permanent Mission of Costa Rica would be grateful if the attached note could be transmitted to the secretariat of the International Court of Justice and to the States parties to its Statute.

The Permanent Mission of Costa Rica would also be grateful if the attached text could be issued as a document of the General Assembly under agenda item 13.

Lastly, the Permanent Mission of Costa Rica requests the Secretary-General to register the text of the attached agreement in accordance with Article 102, paragraph 1, of the Charter of the United Nations.

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Annex to the note verbale dated 23 October 2002 from the Permanent Mission of Costa Rica to the United Nations addressed to the Secretary-General

Certification

I, the undersigned, Bruno Stagno, Permanent Representative of Costa Rica to the United Nations, hereby certify that the attached text is a faithful and complete copy of the Tovar-Caldera Agreement between Costa Rica and Nicaragua, signed on 26 September 2002 in the city of Alajuela, Costa Rica, which has given rise to no reservation, declaration or objection by the parties and which was done in the Spanish language. I further certify that the additional copy of this Agreement contained on diskette is a faithful and complete copy of the Tovar-Caldera Agreement.

I further certify that this Agreement entered into force on 26 September 2002 upon its definitive signature in accordance with the last paragraph of the Agreement, and that it was signed by Mr. Roberto Tovar Faja, Minister for Foreign Affairs and Worship of the Republic of Costa Rica, and Mr. Norman Caldera Cardenal, Minister for Foreign Affairs of the Republic of Nicaragua.

New York, 23 October 2002

(*Signed*) Bruno **Stagno**
Ambassador
Permanent Representative

Enclosure

The Ministers for Foreign Affairs of the Republics of Costa Rica and Nicaragua,

Expressing their unswerving will and determination to develop and strengthen their ties of brotherhood and good-neighbourliness, as countries united by strong historical, geographical, cultural and human ties,

Considering the importance to our peoples of economic integration projects such as the customs union, the free-trade agreement between Central America and the United States of America, the Puebla-Panama Plan and the association agreement between Central America and the European Union, among other significant regional initiatives,

Noting the importance of deepening cooperation between the two States for the sustainable development of the border region, including the establishment of a special development fund,

Bearing in mind that the strengthening of our good-neighbourly relations is essential to the energetic promotion of Central American economic and cultural integration and the sustainable human development of our countries for the benefit of our peoples,

Convinced that economic integration projects and the creation of an appropriate climate for investment, trade and international cooperation can be further promoted insofar as both parties resort to peaceful means of settlement of any situations that may affect the successful course of their relations, and

Confident that the fraternal spirit that unites our peoples and the renewed bilateral relations will allow for the strengthening of a broad area of understanding and harmony to our mutual advantage,

Have agreed as follows:

1. The Governments of Costa Rica and Nicaragua shall, from today's date, as a matter of cross-border comity, eliminate any charge that might hinder free movement across their common border by means of a temporary entry or exit permit.

2. The Government of Costa Rica expresses its willingness to eliminate the fee for visas granted to Nicaraguan citizens carrying an ordinary passport as from 1 January 2003. If the elimination of the visa fee requires an amendment to the existing law, the Government of Costa Rica shall promote and support such an amendment, on the understanding that the Legislative Assembly shall take a decision in accordance with its sovereignty. As soon as the Government of Costa Rica eliminates the visa fee, the Government of Nicaragua shall also eliminate, at the national level, the charge for tourist cards and migratory services for Costa Rican citizens. To those ends, the Governments of Costa Rica and Nicaragua shall immediately undertake the appropriate technical studies.

3. The Government of Nicaragua undertakes to maintain, for a period of three years from today's date, the legal status existing on today's date with respect to its declaration of acceptance of the jurisdiction of the International Court of Justice. For its part, during the same period, the Government of Costa Rica

undertakes not to take any action or make any international claim against Nicaragua before the Court or in any other international forum with respect to any matter or claim referring to treaties or agreements currently in force between the two countries.

4. Nothing in this Agreement shall be interpreted or prejudged as being a renunciation of positions or a relinquishment or weakening of the rights which each of the Parties holds and retains in accordance with existing treaties in the framework of international law.

In witness whereof, we sign, for immediate validity and effect, in the city of Alajuela, Republic of Costa Rica, two original texts, both being in the Spanish language and equally valid, on 26 September 2002.

(*Signed*) Roberto **Tovar Faja**
Minister for Foreign Affairs and Worship
of the Republic of Costa Rica

(*Signed*) Norman **Caldera Cardenal**
Minister for Foreign Affairs
of the Republic of Nicaragua